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Attorney for Defendants,
COUNTY OF STANISLAUS

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

R.S., a minor, by and through his guardian ad
litem Jessica Moreno, individually and as
successor in interest to Rudy Santillan, Sr.,
deceased, and JORGE VICENTE,
individually,

Plaintiffs,

v.

County of Stanislaus; Dany Anderson; Miguel
Garcia; Eric Torres; Dustin Willey; Alberto
Navarro; Eric Garcia; Benjamin Carnes; Barry
Balance; Morin Yom; Colton Hughes; Robert
Domingos and DOES 1-20 10, inclusive,

Defendants.

) CASE NO.: 1:20-cv-01170-DAD-SKO
)
) **JOINT STIPULATION TO AMEND**
) **SCHEDULING ORDER DEADLINE**
) **TO FILE MOTIONS OR**
) **STIPULATIONS TO AMEND**
) **PLEADINGS; ORDER**
)
) (Doc. 16)

1 Plaintiffs, by and through their counsel Dale K. Galipo, Esq. and Renee Masongsong,
2 Esq. of the Law Offices of Dale K. Galipo and Jaime A. Leanos of the Law Office of Morales &
3 Leanos and Defendant County of Stanislaus, by and through counsel Shanan L. Hewitt, Esq. and
4 Jonathan B. Paul, Esq. of the Law Offices of Rivera Hewitt Paul LLP, collectively referred to as
5 “the Parties,” hereby request that the deadline for filing of motions or stipulations requesting
6 leave to amend the pleadings, as set forth in the Scheduling Order of January 8, 2021 (Doc. 15),
7 be extended to October 1, 2021. IT IS STIPULATED BY AND BETWEEN the Parties, through
8 their attorneys of record (identified in the signature blocks below), as follows:

9 (1) Plaintiffs JORGE VICENTE, and minor R.S. through his guardian ad litem Jessica
10 Moreno, initiated this lawsuit on August 19, 2020 (Doc. 1) alleging federal and state law
11 claims based on the death of Rudy Santillan, Sr.

12 (2) The Parties stipulated to an extension of time to file a responsive pleading pursuant to
13 Eastern District Local Rule 144(a) (Doc. 10), and Defendants COUNTY OF
14 STANISLAUS, DANNY ANDERSON, MIGUEL GARCIA, ERIC TORRES, DUSTIN
15 WILLEY, ALBERTO NAVARRO, ERIC GARCIA, BENJAMIN CARNES, BARRY
16 BALANCE, MORIN YOM, COLTON HUGHES, and ROBERT DOMINGOS
17 subsequently file their answer on November 19, 2020 (Doc. 12).

18 (3) The Court issued the Scheduling Order on January 8, 2021 (Doc. 15). Under the terms of
19 the Scheduling Order, August 2, 2021 is the current deadline to file motions or
20 stipulations requesting to amend the pleadings. (Doc. 15, p. 2:25-26.)

21 (4) The Parties continue to work diligently in this case by propounding and responding to
22 written discovery.

23 (5) Defendants have recently obtained information that additional heirs to Decedent Rudy
24 Santillan Sr. may exist, and propounded written discovery to Plaintiffs to obtain further
25 information regarding this matter. Plaintiffs recently requested and were granted an
26 extension of time to respond to said discovery up to and including September 10, 2021.

27 (6) The Parties request additional time for amendments to the pleadings, to determine
28 whether any additional heirs exist that should be joined to this action pursuant to Federal

Rules of Civil Procedure 19. Moreover, under California law, all heirs are necessary parties and “plaintiff heirs have a mandatory duty to join all known omitted heirs in the ‘single action’ for wrongful death. If an heir refuses to participate in the suit as a plaintiff, he or she may be named as a defendant so that all heirs are before the court in the same action. An heir named as a defendant in a wrongful death action is, in reality, a plaintiff.” *Ruttenberg v. Ruttenberg*, 53 Cal.App.4th 801, 808 (1997); *see also G.M. v. Poole* (E.D. Cal., Sept. 12, 2019, No. 2:17-cv-02415-TLN-CKD) 2019 WL 4318573, *3-5, *citing Ruttenberg v. Ruttenberg*, 53 Cal.App.4th 801.

(7) The Parties wish to amend the current Scheduling Order deadline for filing of motions or stipulations requesting leave to amend the pleadings in order to provide them with sufficient time to ascertain through discovery whether such amendment(s) will be necessary.

(8) Under these circumstances, the Parties have agreed and respectfully request that the Court amend the deadline in the Scheduling Order to facilitate the above stipulation as follows:

EVENT	CURRENT	PROPOSED
Last Day to file motion or stipulations to amend the pleadings	8/02/2021	10/01/2021

IT IS SO STIPULATED.

Dated: August 2, 2021

LAW OFFICES OF DALE K. GALIPO
/s/Renee Masongsong (As authorized on 08-02-21)
 DALE K. GALIPO
 RENEE MASONGSONG
 Attorneys for Plaintiffs

Dated: August 2, 2021

MORALES & LEANOS
/s/Jaime Leanos (As authorized on 08-02-21)
 JAIME LEANOS
 Attorneys for Plaintiffs

1 Dated: August 2, 2021

RIVERA HEWITT PAUL LLP

2 /s/ Jonathan B. Paul
3 SHANAN L. HEWITT
4 JONATHAN B. PAUL
Attorneys for Defendants

5
6
7 **ORDER**

8 Good cause having been shown, the parties' above stipulated request for an extension of
9 time to file and serve motions or stipulations requesting leave to amend the pleadings (Doc. 16) is
10 HEREBY GRANTED. The parties shall file and serve motions or stipulations requesting leave to
11 amend the pleadings by no later than October 1, 2021. All other dates in the Scheduling Order
12 (Doc. 15) shall remain as set.

13 IT IS SO ORDERED.

14 Dated: August 3, 2021

15 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE